



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MAIL

MAR 24 2004

Paper No. 10

TROP PRUNER & HU, PC
8554 KATY FREEWAY
SUITE 100
HOUSTON TX 77024

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Ronen CHAYAT
Application No. 09/364,375
Filed: July 30, 1999
For: SELECTIVELY TRANSMITTING
PACKETS

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed January 26, 2004 which is being treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. § 1.181. No fee is required.

This application was held abandoned for failure to timely submit a response to the final Office action mailed March 31, 2003. A Notice of Abandonment was mailed January 15, 2004.

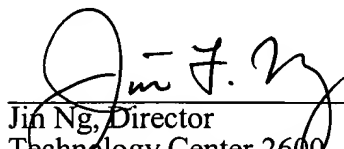
Petitioner alleges that the final Office action was not received.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

Petitioner has satisfied the requirements set forth above. Therefore, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application file is being returned to the examiner for updating the search and other action as appropriate. From there, the file will be forwarded to the Technology Center's technical support staff for mailing the new action. The time period for response will be re-set to begin on the mailing date thereof.


Jin Ng, Director
Technology Center 2600
Communications